



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-RC

MAY 02 2014

**GENERAL NOTICE LETTER**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**  
**7008 3230 0003 0726 4014**

Montana Rail Link  
Thomas Walsh, President  
101 International Drive  
Missoula, MT 59808

Re: General Notice Letter for the Smurfit Stone Mill Site; Missoula, Missoula County, Montana

Dear Mr. Walsh:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your June 7, 2013 response to its April 3, 2013 information request letter, which was sent to you in connection with the Smurfit Stone Mill Site (the Site) located near Missoula, Montana. Based on your response and other available information, the EPA has determined that Montana Rail Link, may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred or will incur in the future in cleaning up the Site.

**Explanation of Potential Liability**

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA believes that Montana Rail Link may be liable under Section 107(a) of CERCLA with respect to the Site, as a successor to previous owners and operators of the Site.

To date, the EPA performed site investigations and a removal assessment under the authority of the Superfund Program in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases at and from the Site. On August 20, 2012, the EPA issued

an "Analytical Results Report for a Combined Site Inspection and Removal Assessment" for the Site. Field work and sampling activities were conducted on surface and subsurface soil and sediment, and surface water and groundwater.

### Information to Assist You

The EPA would like to encourage communication between you, other PRPs, and the EPA regarding the Site. The EPA recommends that all PRPs meet to select a "steering committee" that will be responsible for representing the group's interests. Establishing a manageable group is critical to successful negotiations with the EPA. If this is not possible, the EPA encourages each PRP to select one person from its company or organization to represent its interests to the EPA.

To assist you in your efforts to communicate, a list of names and addresses of PRPs to whom this letter is being sent is enclosed.

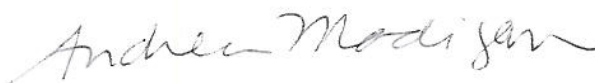
The documentation supporting the proposal to list the Site on the National Priorities List is available at the Missoula Public Library, 301 E. Main Street, Missoula, Montana, 59802. In addition, the EPA will establish an administrative record that contains documents that will serve as the basis for the EPA's selection of a cleanup action for the Site. The administrative record will be located at the Missoula Public Library. The administrative record will be available to you and the public for inspection and comment. The administrative record will also be available upon request at the Superfund Records Center, EPA Region 8, at 1595 Wynkoop Street, Denver, Colorado.

Please give these matters your immediate attention. If you have any questions regarding this letter, please contact Amelia Piggott, Enforcement Attorney, at 303-312-6410. Thank you for your prompt attention to this matter.

Sincerely,



Kelcey Land, Director  
RCRA/CERCLA Technical Enforcement Program  
Office of Enforcement, Compliance,  
and Environmental Justice



Andrea Madigan, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: Amelia Piggott, 8ENF-L  
Robert Parker, 8EPR-AR  
Sara Sparks, 8MO  
Sharon Abendschan, 8ENF-T

Washington Corporations  
Karl M. Swanson  
101 International Drive  
Missoula, MT 59808

List of PRPs Receiving General Notice Letters  
Regarding Superfund Liability for the Smurfit Stone Site

<b>PRP</b>	<b>Legal Counsel</b>
Rock Tenn Company James Rubright Chairman and Chief Executive Officer 504 Thrasher Street Norcross, GA 30071	Rock Tenn Company Roy Cobb, Esq. Senior Environmental Counsel Six City Place Drive Creve Coeur, Missouri 63141 314-656-5364
Rock Tenn Company Nina E. Butler Senior Vice President & Environmental Counsel 504 Thrasher Street Norcross, GA 30071 770-638-7597	
Montana Rail Link Thomas Walsh, President 101 International Drive Missoula, MT 59808 406-523-1434	Washington Corporations Karl M. Swanson 101 International Drive Missoula, MT 59808 406-523-1399
BNSF Railway Company Matthew Rose Chairman and Chief 2650 Lou Menk Drive Ft. Worth, TX 76131-2830	BNSF Railway Company Brooke Kuhl General Attorney 201 West Railroad Street Missoula, MT 59801 406-543-0019
BNSF Railway Company Mark Engdahl Manager of Environmental Remediation 800 North Lost Chance Gulch, Suite 101 Helena, MT 59601	
M2 Green Redevelopment, LLC Raymond S. Stillwell President and General Counsel 601 East 3 <sup>rd</sup> Street, Suite 302 Alton, IL 62002 618-465-7277	Tempkin, Wielga & Hardt, LLP Elizabeth Tempkin, Esq. Ryan Skylar, Esq. 1900 Wazee Street, Suite 303 Denver, CO 80211 303-292-4922
International Paper John Vincent Faraci Chairman CEO 6400 Poplar Avenue Memphis, TN 38197	International Paper Brian E. Heim, Chief Counsel Legal Department 6400 Poplar Avenue Memphis, TN 38197



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Regarding Superfund Liability for the Smurfit Stone Site

**PRP**

Missoula County  
Board of County Commissioners  
Jean Curtiss Landquist, Chair  
200 West Broadway  
Missoula, MT 59802

**Legal Counsel**

Missoula County Attorney's Office  
Martha E. McClain  
Deputy County Attorney  
200 West Broadway  
Missoula, MT 59802  
406-258-4779



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